United Nations E/2000/88 (Part II)/Add.2

Economic and Social Council

Distr.: General
4 October 2000
English
Original: English/French/Russian

Resumed substantive session 2000
New York, 18 October 2000
Agenda item 12
Non-governmental organizations

Report of the Committee on Non-Governmental Organizations on its second resumed 2000 session (New York, 27 September 2000)

Addendum

I. Introduction

1. At the first and second parts of its 2000 session (15-19 May and 12-23 June 2000), the Committee on Non-Governmental Organizations, in accordance with the provisions of Economic and Social Council resolution 1996/31 of 25 July 1996, received and considered a complaint against the Transnational Radical Party, a non-governmental organization in general consultative status with the Council, and recommended that the Council suspend the consultative status of this organization for three years (see E/2000/88 (Part I), chap. I, draft decision II).

2. In accordance with paragraph 56 of Council resolution 1996/31, the Committee informed the Transnational Radical Party of its recommendation and provided it with relevant excerpts of its report (for the discussion, see E/2000/88 (Part II), paras. 101-117).

3. In its decision 2000/224 B of 25 July 2000, the Council decided to authorize the Committee to hold a resumed session on 27 July 2000 to consider the response of the Transnational Radical Party to the Committee's recommendation.

4. At the 765th meeting of the Committee, on 27 July 2000, the Transnational Radical Party submitted a preliminary response to the Committee's recommendation and requested the opportunity to submit a more comprehensive response. After prolonged deliberations, the Committee decided to invite the Transnational Radical Party to submit a comprehensive response by 16 September 2000. In its decision 2000/295 of 28 July 2000, the Council authorized the Committee to hold a second resumed session for one day during the week of 25 to 29 September 2000 to consider the comprehensive response of the Transnational Radical Party.

II. Action taken by the Committee

5. At its 767th meeting, on 27 September 2000, evoking rule 57 of the Council's rules of procedure, the Committee rejected the proposal to reconsider its recommendation by a roll-call vote of 12 to 5, with 2 abstentions (see para. 18).

III. Consideration of the comprehensive response of the Transnational Radical Party

6. At its 766th and 767th meetings, on 27 September 2000, pursuant to Council decision 2000/295 of 28 July 2000 and in accordance with paragraph 56 of Council resolution 1996/31, the Committee resumed

00-67594 (E) 131000 161000

consideration of agenda item 7 (Consideration of special reports) with regard to the Transnational Radical Party. The Committee had before it the comprehensive response of that organization.

7. After the Chairman's introduction of the item in which, inter alia, he recalled the Committee's earlier recommendation that the Transnational Radical Party be suspended for three years, the representative of the Russian Federation made the following statement:

"Mr. Chairman,

"We have carefully studied the response of the political organization, the Transnational Radical Party. We consider that the nature of the response of the Transnational Radical Party once and for all confirms that this political organization has intentionally abused its status by engaging in a pattern of acts contrary to the purposes and principles of the Charter of the United Nations including unjustified or politically motivated acts against States Members of the United Nations. We greatly appreciate the consensus reached in June with regard to suspension of the consultative status of the Transnational Radical Party for three years. We consider that by this consensus the Committee has clearly demonstrated its responsible and consistent attitude towards the performance of its functions and its independence from political considerations and double standards. I would recall that the Russian delegation made many efforts for the sake of a consensus: we reduced our initial demand for withdrawal of the consultative status of the Transnational Radical Party, we allowed this organization to present a comprehensive response, and we did not insist that a decision be taken at the 2000 substantive session of the Economic and Social Council on the temporary suspension of the status of the Transnational Radical Party.

"In this connection, we confirm our adherence to the consensus on the three-year suspension of the consultative status of the Transnational Radical Party with the Economic and Social Council.

"Thank you, Mr. Chairman."

8. The delegation of the United States of America made the following statement:

"Thank you, Mr. Chairman.

"This Committee has laboured for long hours discussing the case of the Transnational Radical Party (TRP). I have seen many members of the Committee dedicate themselves to resolving this matter so that consensus could be achieved. I know that several Committee members have shown great flexibility, particularly the Russian Federation, in order to accommodate the concerns of various Committee members. Now, at the end of this process, a question still remains for my delegation. The question we ask is: **What acts, contrary to the United Nations Charter and to Council resolution 1996/31, did TRP commit that warrant some punitive measure?**

"In examining this question, my delegation acknowledges that Mr. Idigov misrepresented himself when he began his statement at the Commission on Human Rights. Through the intervention of a Russian Federation point of order, Mr. Idigov corrected himself and advised that he was speaking on behalf of TRP. He then delivered a statement which was critical of actions of the Russian Federation in Chechnya. He also called for negotiations to achieve a peaceful settlement. Beyond the error of misrepresentation, it is the view of my delegation that TRP has committed no act to warrant any sanction by this Committee.

"Further, while other allegations were brought before this Committee and discussed, the United States does not believe that there is merit to these allegations to warrant withdrawal or suspension. Simply put, no pattern of acts exists. TRP has apologized for the misrepresentation error on several occasions and has taken immediate actions to correct several misleading items that appear on its web site. In addition, it has always acted with respect before this Committee, and has submitted a serious response to the Committee, presenting arguments with which my delegation agrees.

"As you are aware, my delegation dissociated itself from the Committee consensus recommendation of June 2000. While noting that TRP erred, we believed that the penalty was too harsh. Now, after examining the response of TRP,

we are convinced that no action is warranted. Therefore, my delegation accepts TRP's apologies and opposes any punitive measure. My delegation wishes to once again express its thanks to the many members of the Committee who have worked hard to find a solution agreeable to all, and to express the hope that we can continue to work in the spirit of partnership.

"Thank you, Mr. Chairman."

9. The delegation of France made the following statement:

"Mr. Chairman,

"The Committee on Non-Governmental Organizations is meeting today in accordance with a decision taken by the Economic and Social Council in July 2000 in order to consider item 7 of the agenda for its 2000 session (Consideration of special reports).

"In particular, the Committee is to consider the response made by the Transnational Radical Party (TRP), following a complaint by the delegation of the Russian Federation and the recommendation of the Committee at the conclusion of its June 2000 session for a three-year suspension of the consultative status of that non-governmental organization.

"The French delegation welcomes the Committee's adoption by consensus, at a resumed session on 27 July 2000, of a decision inviting TRP to present a comprehensive response to the suspension recommendation. It also welcomes the fact that, as part of that same decision, the Committee announced its intention to consider that response.

"That decision is in accordance with the spirit and the letter of Council resolution 1996/31, of which paragraph 56 provides that any organization that is the subject of a recommendation for suspension or withdrawal of its status shall be given written reasons for that decision and shall have the opportunity to present its response for appropriate consideration by the Committee as expeditiously as possible.

"The response of TRP, submitted to members of the Committee on 18 September 2000, has been studied in detail by the French authorities. According to this study, the sanction requested by the Russian Federation does not seem justified in the light of the real situation and the nature of the criticisms voiced against TRP, in the context of its obligations assumed by virtue of the status granted to it.

"The error made by Mr. Idigov, a member of the Chechen Parliament, when he addressed the Commission on Human Rights at its fifty-sixth session in Geneva in his capacity as a representative of Mr. Maskhadov is indeed regrettable.

"However, as fully explained in the report presented to us by TRP and as rightly emphasized by the United States representative, Mr. Idigov and TRP immediately recognized that an error had been made, as Mr. Idigov obviously should, as is customary, have spoken on behalf of, and only on behalf of, the organization. A public apology was immediately made by Mr. Idigov, which was accepted by the Chairman of the Commission on Human Rights. TRP in turn also apologized repeatedly to this same Committee, and also in its report.

"This incident did not constitute sufficient reason, under Council resolution 1996/31, to impose ipso facto a sanction as severe as suspension or withdrawal of status.

"I wish to emphasize that no clear abuse was committed by the organization. Nor did it engage, and again I quote Council resolution 1996/31, 'in a pattern of acts contrary to the purposes and principles of the Charter of the United Nations'.

"The French delegation appreciates all the efforts made by all Committee members to maintain the consensus. It also appreciates the efforts of the delegation of the Russian Federation, which agreed to consider reducing or changing the nature of the sanction recommended to the Council.

"However, in the light of the above, the French delegation can only oppose a sanction that we feel is unjustified.

"For this reason, my delegation requests a recorded vote on the Committee's previous

decision to recommend a three-year suspension to the Council.

"Thank you, Mr. Chairman."

10. In addition, one delegation pointed out that although it was understood that a non-governmental organization might appear before the Commission in support of human rights, it was not acceptable for TRP to publish an article stating that in order to protect human rights the Government of the country in question should be overthrown.

11. Several delegations noted that the most recent comprehensive report offered no new information to the Committee's deliberations. In the light of the fact that a consensus had been reached after careful deliberation, a number of delegations stated that a reconsideration of the earlier decision was not warranted. Moreover, it was also pointed out that since due process had been followed in the initial decision to recommend the suspension of TRP, such action might be seen as undermining the Committee's credibility.

12. One representative stated that in order to maintain consensus his delegation had supported the Committee's decision of 23 June 2000 to recommend the suspension of TRP. In the light of new information provided by TRP, however, and taking into account its apology for the incident in Geneva, his delegation was of the opinion that the consultative status of the organization should not be suspended.

13. In response to this suggestion, the delegation of the Russian Federation made the following statement:

"Mr. Chairman,

"In our view, one of the cornerstones of due process is not only compliance with procedural instructions, but also a duty to speak the truth, the whole truth, and nothing but the truth. Unfortunately, the response of the political organization, the Transnational Radical Party, demonstrates a contrary approach. I shall proceed systematically, Mr. Chairman.

"The response of the Transnational Radical Party, against a background of assertions of complete innocence and groundlessness of the accusations made against this political organization, refers to the fact that the representative of the Chechen separatists and terrorists, Idigov, in the course of his statements on behalf of the Transnational Radical Party, allegedly made a mistake in referring to himself as a representative of President Maskhadov. In other words, according to the interpretation of the Transnational Radical Party, it was all a mistake, a technical inaccuracy, for which that political organization had apologized and should therefore be cleared of all blame.

"In fact, this was not an error but an intentional and deliberate policy by the political organization, the Transnational Radical Party, to encourage aggressive separatism and to oppose the territorial integrity and sovereignty of the Russian Federation.

"We draw the attention of the Committee to the print-out of the web site of the Transnational Radical Party (interestingly, it is dated 19 September, which was after the preparation and distribution of the comprehensive response of the Transnational Radical Party), in which Idigov, clearly not by mistake, repeatedly refers to himself as the special envoy of the President of Chechnya. It is significant that on the web site of the Transnational Radical Party the Chechen Republic is presented as a separate entity from the Russian Federation.

"Finally, Mr. Chairman, the comprehensive response of the Transnational Radical Party gives an interesting interpretation of Idigov's statement at the fifty-sixth session of the United Nations Commission on Human Rights. We refer, in particular, to the fact that the Transnational Radical Party defends Idigov by arguing (paragraph 2.2.2.10) that an official is not responsible for the acts of his Government or armed forces. In other words, in the response of the Transnational Radical Party, Idigov is to all intents and purposes acting in the capacity of a representative of an independent State. Attempting in its response (paragraph 2.2.4.7) to extend the application of the United Nations Charter to the situation in the Chechen Republic (Russian Federation), the political organization, the Transnational Radical Party, claims that its provisions can be applied to settling differences between States. In this way, the Transnational Radical Party again clearly denies the territorial integrity of Russia. It is clear that the terminology used in the response of the Transnational Radical

Party also assumes that the Chechen Republic is separate from the Russian Federation.

"In this way, Mr. Chairman, the political organization, the Transnational Radical Party, in its comprehensive response clearly confirmed the intentional nature of the acts it carried out in violation of the purposes and principles of the United Nations Charter, including unfounded or politically motivated acts against States Members of the United Nations.

"Mr. Chairman,

"I should also like to refer to the issue of the 'decency' of the political organization, the Transnational Radical Party. In its response, the Transnational Radical Party claims (paragraph 2.2.3.1) that Idigov publicly apologized to the United Nations Commission on Human Rights for the fact that he referred to himself, allegedly by mistake, as 'a representative of President Maskhadov'. We do not recall any such apologies; they do not appear in the transcript (annex 6) from the meeting of the United Nations Commission on Human Rights of 12 April, presented by the Transnational Radical Party. In addition, on 18 April, without approval by the Secretariat, a so-called special release of the representation of the Chechen Republic of Ichkeria at international organizations, with the signature of Idigov and his title 'Representative of the President of the Chechen Republic of Ichkeria' was distributed in the meeting room of the United Nations Commission on Human Rights.

"In other words, the political organization, the Transnational Radical Party, is once again trying to mislead members and distort the truth.

"Clearly, the responses of the Transnational Radical Party have confused some members of our Committee. Otherwise we would have to suspect the sincerity of statements that have been made at the highest political level concerning respect for the territorial integrity and sovereignty of Russia.

"Unfortunately, we have found nothing new in the response of the Transnational Radical Party concerning such issues as its activities relating to the spread and popularization of narcotics, and the fight for freedom to use the Internet for paedophilia, child pornography and child prostitution.

"And finally, Mr. Chairman, it is clear that the Transnational Radical Party is a political party. It has admitted as much itself on a number of occasions. For example, the Transnational Radical Party openly claims that it has consultative status with the Economic and Social Council, which no political organization has. Interestingly, this fact is also noted in the same mass media which the Transnational Radical Party cites in its defence. For example, the newspaper *Il Foglio* in an article of 27 July notes that the party first became a non-governmental organization while continuing to act as a political force.

"In conclusion, Mr. Chairman, I would remind you that the Russian delegation has confirmed its adherence to the consensus on more than one occasion: we reduced our initial demand for withdrawal of consultative status from the political organization, the Transnational Radical Party, we agreed to the submission of a comprehensive response from the Transnational Radical Party and we withdrew from the consideration of the Economic and Social Council our procedural proposal for temporary suspension of the Transnational Radical Party.

"Finally, we confirm our adherence to the consensus on the three-year suspension of the consultative status with the Economic and Social Council of the political organization, the Transnational Radical Party.

"Thank you, Mr. Chairman."

14. At the 767th meeting, the delegation of France pointed out that in paragraph 56 of its resolution 1996/31, the Council stipulated that, in cases where the Committee has decided to recommend that the general or special consultative status of a non-governmental organization or its listing on the Roster be suspended or withdrawn, the non-governmental organization concerned shall be given written reasons for that decision and shall have an opportunity to present its response for appropriate consideration by the Committee as expeditiously as possible. He noted that the Committee had before it the response provided by TRP, which his delegation had examined in depth. In

the light of new elements it found in the organization's present report, his delegation had reconsidered its position and concluded that the Committee's final decision should be made on the basis of information contained in the TRP's comprehensive report.

15. A number of delegations were of the opinion that the decision to recommend suspension of TRP, taken by consensus on 23 June 2000, had been taken on an informed basis after written and oral response by TRP and that further review of the most recent comprehensive response had completed the requirements of due process. Others felt that the consideration of the TRP response was still ongoing and due process required further action. The Chairman reminded the Committee of the proposal of the delegation of France to have a recorded vote on the decision adopted by the Committee at its 763rd meeting, on 23 June 2000.

16. The delegation of the Russian Federation asked the Chairman to confirm that the decision of the Committee could be reconsidered only under rule 57 of the rules of procedure of the Economic and Social Council. Otherwise it would constitute a flagrant violation of the rules of procedure. The Chairman of the Committee observed that due process had been strictly observed in this case, and that the decision of the Committee to suspend the consultative status of the Transnational Radical Party had been adopted on an informed basis. The Chairman also clarified that in order to reconsider the Committee's decision to recommend the suspension of TRP rule 57 of the Council's rules of procedure should be applied.

17. Speaking before the vote, two delegations questioned the necessity and procedural correctness of voting on a prior consensus decision, particularly since they had found that no new information had been provided to the Committee, while there was every reason to believe that the organization's practices challenged the territorial integrity and sovereignty of member States and contravened the United Nations Charter.

18. The proposal to reconsider the recommendation of the Committee under rule 57 of the rules of procedure of the Economic and Social Council to suspend the consultative status of the Transnational Radical Party for three years was rejected by a roll-call vote of 12 to 5, with 2 abstentions.

19. The voting was as follows:

In favour:

Chile, France, Germany, Romania, United States of America.

Against:

Algeria, Bolivia, China, Colombia, Cuba, Ethiopia, India, Lebanon, Russian Federation, Sudan, Tunisia, Turkey.

Abstentions:

Pakistan, Senegal.

Explanation of vote

20. The representative of Germany made the following statement:

"Mr. Chairman,

"Let me first fully subscribe to what the French delegation said this morning in its first statement. In our view, the representative of France described the situation accurately, so that I can be very brief.

"Germany is of the opinion that reconsidering an NGO answer in accordance with Council resolution 1996/31 implies the possibility of a change in attitude. You will recall, Mr. Chairman, that Germany joined the consensus on TRP in June 2000, albeit with heavy doubts. Having carefully studied TRP's comprehensive response, the German authorities have come to the conclusion that the Russian complaint against TRP is unfounded. We think that any punishment for the NGO — an organization to which this very Committee has granted consultative status — is not appropriate. We therefore supported the motion put forward by France and voted in favour of a reconsideration of the Committee's decision.

"Now that the motion has been defeated, it is our understanding that a consensus decision which has been voted upon will be submitted to the Council. Germany wants to make it clear that it does not feel obliged to go along with this consensus in other United Nations bodies.

"In this context, I would like to state, Mr. Chairman, that my delegation appreciates very much all the efforts undertaken by yourself as well as other member delegations of this

Committee. It shows the deep commitment of the membership to finding consensus solutions which, in principle, are preferable. Thank you, Mr. Chairman."

21. The representative of Algeria made the following statement:

"Mr. Chairman,

"From the outset, the Algerian delegation has spared no effort to help maintain a common consensus position on this issue.

"It regrets that, despite the flexibility shown by one party, some members of the Committee insisted on reopening a decision which was reached by consensus in June 2000.

"Further, the response provided by the non-governmental organization in question does not contain any new element that could lead the Committee to reconsider its decision.

"For all these reasons, the Algerian delegation is unable to support the reconsideration of a decision that was previously reached by consensus."

22. The representative of the Russian Federation made the following statement:

"Mr. Chairman,

"The Russian delegation notes with satisfaction that our Committee has confirmed, by a qualified majority, the consensus on a three-year suspension of the consultative status with the Economic and Social Council of the political organization, the Transnational Radical Party.

"In voting against the proposal, we have spoken out clearly against the attempts to undermine the territorial integrity and sovereignty of States, against terrorism and separatism, against the forced dissemination of narcotics, against the use of the Internet for paedophilia, child pornography and prostitution, and against a political party dictating its will to our Committee. At the same time, the opposing votes show support for the purposes and principles of the United Nations Charter, and confirmation of adherence to the anti-drug conventions of the United Nations, the Convention on the Rights of the Child and the Optional Protocol thereto, on the sale of children, child prostitution and child pornography.

"Finally, those delegations which voted against the review of the decision have taken a stand to defend our Committee, its authority and its independence from political considerations and double standards.

"In conclusion, Mr. Chairman, I note that the Russian delegation has done everything possible to reach a consensus. We agreed to reduce the sanctions against the Transnational Radical Party, we agreed to the presentation of a comprehensive response from this political organization, and we withdrew from the consideration of the Economic and Social Council at its regular session our proposal on the temporary suspension of the organization's status. We were even prepared to demonstrate further flexibility.

"Despite the good will that we have shown, and our responsible attitude towards the performance of our obligations, we have come up against a radically different approach. I admit that this has left us with a very unpleasant after-taste. This is not how things should be done. We must continue to analyse all aspects of the consideration of the case of the political organization, the Transnational Radical Party, and we shall draw the necessary conclusions, including an assessment of the statements that have been made at the highest political level concerning the territorial integrity and sovereignty of Russia.

"Once again, I thank those delegations which have taken an honourable position of principle by rejecting the reopening of the decision.

"I request that this statement be included in the official record of our meeting.

"Thank you, Mr. Chairman."

23. The representative of Pakistan said that Pakistan was satisfied that the Committee had reached a consensus on this issue during its June 2000 session, which would have sent a strong message to the Council. He regretted, however, that the consensus had not been maintained and that the Committee's decision

had to be put to the vote. For that reason, Pakistan had abstained from voting.

24. The representative of Turkey reiterated his delegation's position that the comprehensive response of TRP did not contain new substantial elements which would merit the dismissal of the three-year suspension. The admission of the mistake and subsequent apology of TRP were not new and had been considered by the Committee prior to its consensus decision in June 2000. His delegation had been prepared to explore the possibility of reaching a decision acceptable to all the members of the Committee. However, the request for a vote had rendered that option void. He stated that safeguarding the credibility of the Committee was of utmost importance to his delegation, and underlined the fact that the Committee strictly followed due process. Therefore, his delegation voted against the proposal for the reconsideration of the Committee's earlier consensus decision.

25. The representative of France stated that like the representative of Germany, his delegation did not feel bound by the decision to suspend consultative status of TRP and that it would moreover revisit the issue in the Economic and Social Council. He stressed that a scrupulous reading of paragraph 56 of Council resolution 1996/31 made it clear that the review process could only be complete after all arguments had been considered. He went on to state:

> "I wish to put forward in the form of a question which, as appropriate, might be submitted to the working group: the question on the practice of the working group with respect to transmitting a comment or question without even concluding the procedure under the same article which requires the hearing and examination of all of the elements of the last response on the report submitted by the organization. I think this is an important subject which has to be a point of debate in our Committee. I think this is a fundamental point. The reading my delegation makes at this point a priori is that the Committee should not transmit any draft decision to the Council before the procedure is concluded and appropriately ended."

26. The representative of the United States of America recalled that his delegation had dissociated itself from the Committee's decision of 23 June 2000 to recommend the suspension of TRP and did not feel bound by it.

27. The representative of Chile stated that his delegation was offended by and could not accept the statement by the representative of the Russian Federation, which implied that delegations who had voted for the reconsideration of the decision to recommend the suspension of TRP were de facto supporting child pornography and prostitution and drug trafficking. He emphasized that Chile fully respected the territorial integrity of the Russian Federation and did not promote or condone any of the crimes mentioned.

• • •

28. Throughout the meeting and voting process, Committee members acknowledged the Chairman's commitment to making every possible effort to achieve consensus. They expressed their thanks for his guidance in bringing the matter to a conclusion that would be most satisfactory to all concerned.

29. The Chairman of the Committee announced that the Committee had completed its consideration of the response of the Transnational Radical Party. He concluded the second resumed session by recalling that despite some reservations, a decision had been reached by consensus in June 2000. Although disappointed by the day's turn of events, he would continue to work to maintain the Committee's integrity and promote consensus.